United Nations CEDAW/C/KWT/Q/5/Add.1

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
6 July 2017
English
Original: Arabic

Committee on the Elimination of Discrimination against Women
Sixty-eighth session
23 October-17 November 2017
Item 4 of the provisional agenda
Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the fifth periodic report of Kuwait

Addendum

Replies of Kuwait*

[Date received: 31 May 2017]

Note: The present document is being issued in Arabic, English, French and Spanish only.
* The present document is being issued without formal editing.

17-11266 (E) 140717 280817

Please recycle

Response of Kuwait to the list of issues in relation to its fifth periodic report on the elimination of discrimination against women

Paragraph 1: Reservations

Pursuant to article 28 of the Convention on the Elimination of All Forms of Discrimination against Women, States Parties are allowed to make reservations in order to safeguard the fundamental interests of the State. The relevant reservation is regularly reviewed by the competent governmental authorities. When conducting their review, the authorities consider whether the conditions that gave rise to the reservation continue to exist. Should there be any change in those conditions, then Kuwait would not hesitate to withdraw the reservation. This is what happened in the case of the reservation to article 7 (a) regarding the right of women to be nominated and elected.

Paragraph 2: Discriminatory laws

Amendment of the provisions noted in this paragraph relating to polygamy, divorce, custody of children, inheritance and guardianship of men over women would contravene the provisions of the sharia and, by extension, the Constitution of Kuwait and relevant national legislation. Article 2 of the Constitution provides that the religion of the State is Islam and the Islamic sharia shall be a main source of legislation.

Commenting on that article, the explanatory memorandum to the Constitution points out that this article does not stop at the statement, "The religion of the State is Islam" but stipulates that the Islamic sharia — i.e., Islamic jurisprudence — shall be a main source of legislation. This provision means that the legislators are guided by a fundamentally Islamic perspective without being prohibited from introducing provisions from other sources regarding matters whereon Islamic jurisprudence has not formulated a ruling or where it would be preferable to develop provisions designed to keep abreast of the exigencies of natural development over time. Indeed, the provision allows modern penal laws to be adopted alongside the punishments mandated by the Islamic sharia. This, however, would not hold up if the text said "the Islamic sharia shall be the main source of legislation". The import of the provision is that it is impermissible to adopt another source in respect of any matter on which the sharia has ruled. In fact, that would have caused considerable difficulties for legislators, if practical considerations had caused them to delay in complying with Islamic jurisprudence in certain matters, such as company law, insurance, banks, loans, borders and so on.

The Constitution, which affirms that the Islamic sharia shall be a main source of legislation, obliges lawmakers to adopt the provisions of the Islamic sharia to the extent possible, while calling upon them unequivocally and clearly to take this approach. Accordingly, the said provision does not prevent the adoption, whether now or at some point in the future, of sharia rulings in full on all matters, if legislators so decide. Indeed, article 2 of the Constitution of Kuwait states: "The religion of the State is Islam and Islamic sharia is the main source of legislation." According to the Constitution, then, "Islamic sharia is the main source of legislation".

Accordingly, it is clear that while Kuwaiti lawmakers are obliged to uphold the provisions of the sharia, they can introduce legislation from other sources in matters that have not been codified by Islamic jurisprudence.

Based on all of the above, Kuwait cannot do what is requested of it in paragraph 2 for the legal and constitutional reasons that were cited.

Paragraph 3: Access to justice and legal complaint mechanism

Although Law No. 67 (2015) concerning the National Bureau for Human Rights has been promulgated, the process of establishing the Bureau is still under way. Pursuant to article of the above-mentioned law, the Bureau has the competencies and responsibilities outlined in article 3 of the Principles relating to the Status of National Institutions (The Paris Principles).

Paragraph 4: National machinery for the advancement of women

Kuwait, including the Women's Affairs Committee, has at its disposal a civil service that is staffed by qualified personnel in all administrative, financial and legal specialities, including administration, human resources, finance, accounting and auditing, procurement and contracts, information technology, warehouse management and legal affairs. The Committee is provided with the human and financial resources it needs to execute its plans and programmes.

The Women's Affairs Committee prepares the studies and plans that are needed to promote the advancement of women. The Chair of the Women's Affairs Committee forwards the Committee's recommendations to the relevant decision-makers so that they can take the decisions and measures required to advance Kuwaiti women, enhance women's social standing and increase the number of women in decision-making posts in all areas.

The Women's Affairs Committee includes among its membership a group of advisers from Government ministries. They serve as coordinators for all specialized technical matters and follow up on the Committee's work with Government ministries, so as to further its goals and plans, and fulfil its vision and purposes.

The Women's Affairs Committee is in effect a quasi-governmental committee that continually cooperates and coordinates with and supports the efforts of government agencies and civil society organizations, including unions, associations and confederations that are concerned with women's affairs, in order to enhance the status and role of Kuwaiti women in all fields and sectors.

The Sustainable Development Goals that pertain either directly or indirectly to the empowerment of Kuwaiti women have been linked to the goals and policies of the 2015/2016-2019/2020 development plan and to the principal elements and programmes of the 2017/2018 plan.

Sustainable Development Goals	*Programmes*	*Most significant policies*
Goal 3: Ensure healthy lives and promote well-being for all at all ages	Quality health services programme Chronic non-communicable disease control programme Programme to increase the number of beds in public hospitals	Introduction of an internationally recognized health-care quality assurance system for services provided and facilities operated by both the government and private sectors, implementation of patient-safety standards and assurance of patient rights. Support efforts to promote occupational health, reduce road accidents and counter behaviours harmful to health. Restructure the health-care system with a focus on preventive care, in order to address the effects of and combat chronic non-communicable diseases, hereditary diseases and infectious diseases.

Sustainable Development Goals	*Programmes*	*Most significant policies*
		Promote healthy practices, such as participation in sports, eating healthy foods and getting screened early and regularly.
		Support efforts to promote occupational health, reduce road accidents and counter behaviours harmful to health.
Goal 4: Ensure inclusive and equitable quality education and promote lifelong opportunities for all	Quality education programme	Make further improvement in education indicators. Improvement has been made in that regard by developing educational curricula in accordance with international standards and implementing an academic accreditation system at all schools, so as to enable students to compete at the international level.
	Programme to increase the enrolment capacity of higher education institutions	Develop and train national staff through the introduction of technical requirements for the teaching profession (professional licence system) that are in line with universal standards for teachers.
		Increase the efficiency of school and educational system administration and the use of technology in education.
		Increase the capacity of government and private-sector higher education institutions.
		Support efforts to apply academic accreditation standards at government and private higher education institutions.
		License additional private colleges, institutes and universities, in order to complement the services provided by Government higher education institutions and meet the needs of the labour market.
Goal 5: Achieve gender equality and empower all women and girls	Youth welfare and empowerment programme	Review and update all legislation with a bearing on women's issues, so as to promote the elimination of all forms of discrimination against women.
	Programme to strengthen social cohesion	Support those programmes that are aimed at developing women's economic and professional capacities, and ensuring their familial and psychological stability.
	Programme to address problems in the labour market	Develop an institutional mechanism to protect women against all forms of violence, whether in the context of society or the family.
		Empower Kuwaiti women and increase their participation in society by enhancing their role in economic, social and political decision-making positions.

Sustainable Development Goals	*Programmes*	*Most significant policies*
Goal 10: Reduce inequality within and among countries	Programme to strengthen social cohesion Women's and youth welfare and empowerment programme Programme to promote the welfare and integration of persons with disabilities	Strengthen social cohesion by rallying citizens behind efforts to realize the Government's vision and strategic objectives, and put in place programmes that ensure the participation of all social groups, thereby maximizing the value of social capital. Review and update all legislation with a bearing on women's issues, so as to promote the elimination of all forms of discrimination against women. Develop a comprehensive system for the integration of persons with disabilities into society that is based on the principle of non-discrimination against such persons. The system will integrate persons with disabilities into the labour market and the education system, and increase opportunities for persons with disabilities through the provision of appropriate training and enable them to participate in cultural, artistic, recreational and sports activities. Develop the social safety net system so that responds to the economic and social changes that are occurring in Kuwaiti society.

Paragraph 5: Temporary special measures

Instead of introducing temporary measures, Kuwait has chosen to take several permanent measures with regard to human rights. It continues to update national legislation in that regard and has instructed all relevant authorities to follow up on the implementation of legislation aimed at ensuring the enjoyment of those rights, including, in particular, women's rights. The Government has taken several measures to promote the advancement and safeguard the rights of women, and to ensure equality between women and men in all areas.

Women now fill positions in the civil service, the military, the judiciary and the diplomatic corps. Moreover, the Government has also strived assiduously to address women's issues in its national strategies, policies and plans. The law enacting the Government's development plan for the coming years ensures the continuity of those rights and further promotes the empowerment of women in society by supporting women's political rights, enhancing the role of women in decision-making positions, increasing their participation in the community and removing obstacles that stand in the way of further achievement by women.

Paragraph 6: Gender stereotypes

Pursuant to its article 29, justice and equality are two of the pillars upon which the Kuwaiti Constitution is based. Accordingly, everyone has the right to education, without discrimination between men and women. That right is reaffirmed by several articles of the Constitution and laws and regulations pertaining to education, including the following:

Article 40 of the Constitution provides that education is a right of Kuwaitis that is guaranteed by the Government in accordance with the law and within the limits of public order and morals. In accordance with the law, primary education shall be compulsory and free.

Article 1 of Law No. 11 (1965) on compulsory education, as amended by Law No. 25 (2014), provides that education shall be compulsory and free of charge for all male and female Kuwaiti children, from the primary to the intermediate stage. The Government shall undertake to provide school buildings, books and teachers, as well as all human and material resources required to ensure the successful delivery of compulsory education.

The higher education system does not place any restrictions or conditions on admission. Accordingly, there is no discrimination against women in that regard. However, the courts have overturned a decision by the faculty of medicine to set aside a quota for female students because that is clearly discriminatory.

There is equality in the following aspects of the educational process:

- All pupils, male and female, are taught the same curricula, without discrimination at all educational levels, from kindergarten and general education to higher education. Educational plans are the same at intermediate level and part of secondary, although girls are taught a curriculum that includes special subjects, such as family and consumer sciences and home economics.
- Owing to the use of a standardized system of assessment and measurement, which is part of the general educational policy, the examination system is the same at all levels, without any discrimination or differentiation. There is no difference in class duration, examinations and marking.
- Entering the teaching profession is subject to the conditions set out by the Ministry of Education and consistent with the system of employment of the Civil Service Commission, which is the body concerned with public sector employment. The requirements, which apply to both sexes without discrimination, include a diploma (generally speaking, a university degree), several years of experience and medical fitness. This same is the case with regard to salaries and benefits, employment grades, promotion and other aspects of employment.
- Both sexes use the same educational facilities, something that certainly affirms the principle of equality of opportunity in education. Those facilities include classrooms, libraries, gymnasiums and sports fields, in addition to infrastructure.

Kuwait seeks to eliminate any stereotypes and conventional images of men and women and their role in society. Indeed, the culture of partnership and equality in respect of rights and duties is one of the core principles contained in textbooks. In fact, there may be more emphasis on the role of women than of men in some subjects. For example, a subject entitled "Women's rights" is taught that addresses in detail the following: the concept of women's rights, a review of how women's rights have been violated throughout history, the importance of women's rights, women's rights in Islam, women's rights in international instruments and women's rights in the Kuwaiti Constitution.

With regard to eliminating gender stereotypes in the judiciary, it should be noted that statistics issued periodically by senior judiciary managers reflect the official emphasis on encouraging and helping women to work in the judiciary on an equal basis with men, in accordance with Supreme Judicial Council decision No. 23 (2014) ordering the appointment of 22 women to the post of deputy prosecutor.

Kuwaiti women participate in all of the legal functions of the Office of the Public Prosecutor. Among other tasks, they helped to oversee the general election of 26 November 2016 on an equal footing with men. There is no legal obstacle to further appointments of women as judges in regular courts.

With regard to developing the capacity of judges and prosecutors, we draw attention to our response to the Committee's concluding observations on the combined third and fourth periodic reports of Kuwait (CEDAW/C/KWT/CO/3-4/Add.1). In that response, it is noted that the Kuwait Institute for Judicial and Legal Studies provides training on domestic and sexual violence for legal workers in the various ministries and agencies of the Government as part of the effort to meet human development requirements.

Pursuant to Amiri Decree No. 37 (1994), the Kuwait Institute for Judicial and Legal Studies is also responsible for developing and delivering training programmes for judges and prosecutors. The law currently in force on the organization of the judiciary provides that judges and prosecutors cannot be promoted unless they successfully complete these training programmes.

In that connection, a training programme for members of the judiciary was organized in cooperation with the Middle East and North Africa regional office of the Office of the High Commissioner for Human Rights. The aim of the programme was to further educate judges and prosecutors about human rights laws, instruments and conventions, one of which is the Convention on the Elimination of All Forms of Discrimination against Women, and their implementing mechanisms. Following is a breakdown of that training programme:

	Subject	*Date*	*Target audience*
1	Trafficking in persons	8 and 9 January 2014	Legal researchers about to start working for the Office of the Public Prosecutor
2	International Covenant on Civil and Political Rights	22 to 25 April 2014	Office of the Public Prosecutor
3	Human rights conventions (including the Convention on the Elimination of All Forms of Discrimination against Women)	8 to 12 February 2015 8 to 12 March 2015	Members of the judiciary
4	Combating human trafficking	17 to 19 May 2015	Staff members of the Office of the Public Prosecutor
5	Human trafficking and migrant smuggling	6 October 2015	Staff members of the Office of the Public Prosecutor
6	Human trafficking and migrant smuggling	10 January 2017	Staff members of the Office of the Public Prosecutor
7	Human trafficking and migrant smuggling	17 January 2017	Staff members of the Office of the Public Prosecutor
8	Human trafficking and migrant smuggling	24 January 2017	Staff members of the Office of the Public Prosecutor

Paragraph 7: Violence against women

Acts of violence against the person are criminalized pursuant to articles 160-164 of the Penal Code, the provisions of which apply to all persons without any discrimination on account of sex.

The Penal Code and the Code of Criminal Procedure, which constitute the general law on crime and punishment, regulate offences against the person in a comprehensive and equitable manner without regard for the sex of the offender or the victim.

Whenever a police station receives a complaint regarding domestic violence, the parties involved are usually reconciled in order to maintain familial tranquillity and safeguard the traditions of Kuwaiti society. If the parties cannot be reconciled, the complaint is referred to the competent authorities (the Investigation Division in the Office of the Public Prosecutor).

The establishment in 2008 of the Community Police Department is one of the measures that the Ministry of the Interior has taken to ensure the security of all citizens, in general, and to decrease and eventually eliminate violence against women. The Department is staffed in part by trained female officers, thus making it capable of finding solutions to some aspects of the problem of violence against women of all ages. Following are some the goals and competences of the Community Police Department:

- Deliver exceptional services to individuals members the community and to public and private institutions that help to narrow the divide between the police and the community, and firmly establish the principle of cooperation and partnership between them, particularly with regard to social issues and conflicts, including domestic and sexual violence;
- Provide psychosocial support to victims of violence and crime, particularly women and children, and arrange follow-up care services;
- Early intervention to resolve and contain family disputes and quarrels and address their causes, and prevent problems from escalating and reaching the courts, with a view to preserving family cohesion;
- Raise awareness in local communities of the need to protect family members from violence and of the situations that children may encounter within the family and outside it.

In respect of its working methods, the Department handles cases with the utmost confidentiality and safeguards the privacy of individuals, and utilizes special interview rooms that put subjects at ease and encourage them to file a complaint.

The Community Police Department is striving to improve its performance with regard to the provision of security and social services. The Department is in the process of establishing a centre to treat victims of domestic and school violence. It also seeks to raise awareness in the community of the need to renounce violence, whether in schools or in official and private institutions. In addition, the Department has concluded cooperation protocols with the Aman Centre for the Treatment of Child Victims of Violence and the competent department of the Ministry of Education, with a view to jointly addressing violence in schools and raising student awareness of that problem.

Kuwait has also taken other measures to ensure protect the family and promote non-violence, including the following:

- Pursuant to article 42 of its regulations, the Ministry of Social Affairs and Labour is responsible for providing girls who are divorced, lack family support, come from a broken home or have family problems and do not reside in the marital home with shelter and care at the girls' home of the Department of Family Care. The Ministry also provides residential care for all persons with special needs, including children, whether they are minors, of unknown parentage or have disabilities. The regulations governing the operation of such homes and institutions prohibit the use of corporal or psychological punishment.

- Law No. 12 (2015) concerning the establishment of the Family Court provides for a court to be set up in every governorate to consider family cases.

- Specialist academics presented courses and workshops on how to prevent violence against women and children, and how to protect them from exploitation. The Security Information Department of the Ministry of the Interior raises citizens' awareness of their rights, in order to prevent crime and motivate citizens to cooperate in crime-prevention efforts.

Law No. 21 (2015) concerning the rights of the child introduced a number of provisions that protect children from violence and criminalize any attack against them.

Some members of the National Assembly have put forward a draft law on countering domestic violence that defines domestic violence and domestic violence crimes. The draft law mandates the establishment of shelters for victims of domestic violence, the provision of family, psychological and social guidance, the provision of legal assistance to victims of domestic violence and the establishment of a hotline to receive reports of domestic violence and domestic violence complaints.

Kuwaiti law stipulates that any victim of any form of violence must be given protection. By law, a woman who is the victim of any form of violence or suffers any physical harm may obtain a medical report in order to prove that an assault occurred and demonstrate the type of injuries that she sustained. The victim may then go to a police station and file a complaint, which will be investigated by the competent authorities in accordance with the Penal Code (Law No. 16 of 1960), as amended, and the Code of Criminal Procedure and Trials (Law No. 17 of 1960), as amended.

With regard to sexual violence, article 186 provides that anyone who has non-consensual sexual intercourse with a woman, whether through coercion, threat or deceit, shall be executed or imprisoned for life.

With regard to domestic violence, of which some married women may be the victim, article 126 of the Personal Status Act (Law No. 51 of 1984) grants both spouses the right and freedom to resort to the courts in order to obtain a separation on grounds of injury. The above-mentioned article provides that "either spouse may request a separation, before or after the marriage has been consummated, on the grounds of verbal or physical injury inflicted by the other spouse ...".

With regard to marital rape, although Kuwait entered an interpretative declaration when acceding to the International Covenant on Civil and Political Rights to the effect that Kuwait would apply its national laws in cases where the provisions of the Covenant conflicted with the Kuwaiti Personal Status Act, it should be noted that questions relating to marriage and marital intercourse are covered by the Personal Status Act promulgated by Law No. 5 (1984). That Act is based on the provisions and principles of the tolerant Islamic sharia, under which marital intercourse without the consent of the other party cannot be criminalized. However, there is nothing in that Act that would prevent the criminalization of acts

of violence and assaults committed in conjunction with licit marital intercourse between spouses.

The right of recourse to the courts is a fundamental right under the Kuwaiti Constitution, which confers it on all persons without exception or discrimination between citizens and residents. Article 166 of the Constitution provides that the right of recourse to the courts is guaranteed to all people, and that the law shall set out the procedure and manner required for the exercise of that right.

Pursuant to its article 45, every individual has the right to address the public authorities in a written document that bears his signature. Accordingly, every person has a constitutional right to address the public authorities and to file complaints and file reports with them. Moreover, article 14 of the Code of Criminal Procedure and Trial (Law No. 17 of 1960) provides that any persons who has witnessed a crime or is aware that a crime has been committed must report that to the nearest police or investigate official. Accordingly, the reporting of crimes is not a right that is conferred on all. It is rather an obligation on every person, regardless of whether he has been harmed by or is the victim of the crime.

Article 30 of Decree-Law No. 67 (1980) promulgating the Civil Act sets out the types of harm for which compensation and reparations must be paid. The article provides that the exercise of that right shall be considered unlawful if it is abused or used for other than its socially intended purpose, particularly if the benefit derived is illicit, the right is exercised strictly for the purpose of harming others, the benefit derived is not in any consonant with the harm caused to the other party or the exercise of the right would cause severe and unusual harm to the other party.

In the same vein, articles 227, 228 and 231 of the above-mentioned Decree-Law affirm the right of the party harmed by an illegal act to demand compensation, even if such compensation is only moral. Accordingly, any individual whose wrongful action has caused harm, either directly or indirectly, to another person is obliged to compensate that person. If the wrongful action that gave rise to the harm was committed by several persons, they shall be jointly liable for compensating the injured party the entire amount awarded, provided that responsibility is allocated among the offenders in proportion to their responsibility for the harm that they caused. If it is not possible to determine the extent to which each person is liable, they shall all bear the responsibility equally.

Cases of violence against women adjudicated in the period from 1 January to 31 December 2016

	Office of the Prosecutor				*The courts*		
						Cases in which judgement was rendered	
Charge	*Number of cases*	*Set aside*	*Under investigation*	*Lack of competence*	*Number of cases*	*Acquittal*	*Conviction*
Grievous harm	6					6	
Battery resulting in permanent disfigurement	3			3			
Battery resulting in visible bodily harm	140	32	4	61	14	11	18
Attempted murder	11	6		2			3
Severe physical pain	16	3		4		3	6
Abduction with intent to cause harm	32	16	2	7		2	5

	Office of the Prosecutor				*The courts*		
						Cases in which judgement was rendered	
Charge	*Number of cases*	*Set aside*	*Under investigation*	*Lack of competence*	*Number of cases*	*Acquittal*	*Conviction*
Abduction with intent to engage in sexual intercourse	30	4		1	18	2	5
Seizure and detention	1						1
Seizure and detention with torture	6	2		1			3
Attempted abduction	3	2		1			
Intercourse with a female under duress or threat	66	31	2	5	4	8	16
Indecent assault by coercion or threat	133	35	2	56	10	11	19
Total	**447**	**131**	**10**	**141**	**46**	**43**	**76**

Paragraph 8

Law No. 12 (2015) concerning the establishment of the Family Court provides for a court to be set up in every governorate to hear and expedite personal status cases. In that connection, the Ministry of Justice issued the following ministerial decisions to begin operationalizing the Family Court:

Ministerial decision No. 107 (2016) provides for the establishment of a registrar's department for the Family Court, within the court of first instance. It shall consist of seven offices with several divisions, which shall have the following competences:

1. Compiling and certifying judicial statistics;

2. Enforcing decisions issued by the courts.

Ministerial decision No. 108 (2016) provides for the establishment of enforcement departments for the Family Court in all the governorates, within the general enforcement department. Those departments shall be responsible for implementing compulsory civil enforcement measures for judgments issued in personal status cases, and will have competence for the following types of judgment:

1. Judgments concerning marital maintenance and advance and deferred dowry;

2. Judgments concerning the costs of custody, nursing and housing, and the remand of the child to the rightful custodian;

3. Announcing writs of execution with regard to such issues.

Ministerial decision No. 109 (2016) provides for the establishment of a registrar's department for the Family Court, within the court of appeals. It shall consist of three offices with several divisions, which shall have the following competences:

1. Compiling and certifying judicial statistics;

2. Enforcing decisions issued by the courts.

Ministerial decision No. 111 (2016) provides for the establishment of a Family Court documentation office. It shall oversee external offices subsidiary to the director of the department, and have the following competencies:

1. Drawing up and certifying marriage contracts;

2. Verifying deaths and inheritance;

3. Issuing certificates declaring marriages to be dissolved or in force.

Ministerial decision No. 113 (2016) provides for the establishment of two offices within the family counselling department. One is an office for monitoring custody and ensuring that children are remanded to the rightful custodian. The other is an office within the Family Court for settling family disputes and combating domestic violence. Those two offices shall have the following competences:

1. Enabling those involved in custody to carry out their custodial duties;

2. Drafting a form for documenting cases involving family problems;

3. Settling family disputes and offering advice and guidance to those involved;

4. Protecting family members from violence and harm inflicted by one member on another, and finding appropriate solutions;

5. Coordinating reviews, in conjunction with relevant parties, of certain laws and legislation relating to the rights of victims of violence to ensure that their human dignity is safeguarded;

6. Working to reassure and provide assistance to victims of violence, especially children;

7. Addressing the family breakdowns that lead to domestic violence.

Ministerial decision No. 115 (2016) provides for and regulates centres for the settlement of family disputes and the protection of family members from violence and abuse. Such centres are to be set up in every governorate and attached to the Family Court. They are charged with settling family disputes and protecting family members from violence or abuse by another family member. The centres have the following competences:

1. In cases not involving personal status or cases of emergency, the person in question can ask the Family Court to submit a request to a dispute-resolution centre to settle the dispute.

2. Once the request for the settlement of the dispute is submitted, a session will be scheduled for the two parties to discuss the case before one of the centre's investigators, who will hear what they have to say and offer advice and guidance to both. The investigator will keep a record of the proceedings.

3. The dispute must be resolved within 15 days from the date of submission of the request. That can be extended for up to 60 days by agreement of both parties.

4. If the two parties to the dispute cannot reach an amicable reconciliation, the person attempting to negotiate the settlement shall enter that into the record and refer the matter to the registrar of the Family Court. The centres shall be staffed by specialists who shall help to protect the rights of children and keep family disputes from becoming acute.

Ministerial decision No. 118 (2016) concerning branches of the Family Court provides for a branch of the Family Court to be established in every governorate.

Paragraph 9: Trafficking in women and their exploitation for prostitution

The Kuwaiti legislature has been intent on criminalizing acts that are closely associated with trafficking in women. That is clear from provisions of the Kuwaiti Penal Code (Law No. 16 of 1960), as amended, intended to ensure the fight against trafficking in persons and protect the rights of those who fall victim to this crime while on Kuwaiti territory. That Code is replete with stipulations and provisions specifically designed to provide an umbrella of protection for workers' rights and freedoms. Those provisions include the imposition of harsh penalties that are comparable to those imposed for crimes such as murder, violent assault, kidnapping, hostage-taking and the slave trade. There is no question that those articles extend protection to foreigners and residents fairly and effectively. Of these provisions, we might draw attention to articles 186, 187, 190, 191, 192, 193 and 194.

Furthermore, article 49 of Law No. 31 (1970), amending the Kuwaiti Penal Code (Law No. 16 of 1960), outlaws all forms of coercion or exploitation of person or the withholding of wages without justification.

To sum up, we note that article 185 of the Kuwaiti Penal Code forbids bringing anyone into or out of Kuwait with the intention of disposing of that person as a slave. It further forbids the purchase, offer for sale or to give a human being to another as a slave. The article provides for a sentence of imprisonment and a fine for anyone committing such acts.

Kuwait has carried out its international obligations since its ratification, by Law No. 6 (2006), of the United Nations Convention against Transnational Organized Crime and the two protocols thereto.

The Kuwaiti legislature has also enacted Law No. 91 (2013) on trafficking in persons and smuggling of migrants, which entered into force as of 17 April 2013. That law preserves and protects the rights of migrant workers in the private or domestic sectors.

That law stipulates that the Office of the Public Prosecutor has exclusive jurisdiction to investigate, assess and prosecute offences specified in the Law and offences relating thereto, and to prescribe harsh penalties of imprisonment or the death penalty.

Article 2 of that law stipulates that the penalty for trafficking in persons, which includes the offences of forced labour or services, slavery or practices similar to slavery, shall be a 15-year term of imprisonment. It prescribes a penalty of life imprisonment if the offence is associated with one of the aggravating circumstances specified in the article and prescribes the death penalty if the offence leads to the victim's death.

Under the terms of article 6, both the legal representative and the de facto manager of a corporate entity are liable to the penalties prescribed for the offences defined in the previous articles if the offences were perpetrated for the benefit of the corporate entity or on its behalf and with its knowledge, without prejudice to the personal criminal liability of the perpetrators of the offences. In addition, it provides for the dissolution of the corporate entity and the closure of its headquarters and branches either permanently or temporarily, for a period of not less than six months and not more than one year.

The Office of the Public Prosecutor receives reports about victims and cases of human trafficking from the relevant national authorities, from the victims themselves or from any other party. There are no obstacles to communication between that office and those parties.

Article 12 of the law provides for appropriate measures to assist and protect victims and authorizes the Office of the Public Prosecutor or the competent court to take any of the following measures that it deems to be appropriate:

1. Referral of victims of trafficking in persons or smuggling of migrants to the medical authorities or to social care homes so that they can receive the requisite treatment and care;

2. Placement in a shelter designated by the Government for the purpose until such time as they can be repatriated to the country of their nationality or returned to the country in which they resided when the offence was committed.

The Office of the Public Prosecutor in the Kuwait tries to conduct speedy and effective legal proceedings against persons who engage in human trafficking and anyone who abets or incites the commission of such crimes.

In the context of the tireless efforts of the Kuwait to combat trafficking in persons and the smuggling of migrants, we should like to draw attention to Council of Ministers decision No. 1454 charging the Minister of Justice with forming a Committee to be chaired by him and to include the Ministries of Justice, the Interior, Foreign Affairs, and Commerce and Industry; the Public Workforce Authority; the Public Authority for Civil Information; and other relevant parties. That committee is responsible for laying out a national strategy to combat human trafficking and the smuggling of migrants for submission to the Council of Ministers.

The committee responsible for laying out the strategy has finished drafting it and submitted it to the Council of Ministers for adoption, after which implementing measures can begin to be taken. The strategy consists of three major components: prevention, protection and the building of cooperative domestic, regional and international partnerships.

In that connection, "trafficking in persons" is becoming a commonly used phrase in the Kuwaiti legislature. That is clear from article 8 of Law No. 68 (2015) on information technology crimes, which provides for a prison term of up to 7 years and a fine of between 10,000 and 30,000 dinars, or one of those two penalties, for anyone setting up a site or disseminating information for use by an information network or any of the information technology media specified in that law, for the purpose of trafficking in persons; facilitating dealing in persons; distributing drugs, psychotropic substances or the like; or facilitating such in any circumstances not authorized by law.

With regard to the number of trafficking cases involving women and girls that have been prosecuted and the sanctions imposed on the perpetrators, the courts of Kuwait have registered five cases of trafficking in persons and handed down convictions against nine accused.

A new shelter has been opened for migrant workers with a capacity of 500 occupants. The new shelter provides health, psychological and legal support services to migrant workers. It helps them to improve their situations or return home after obtaining all their rights.

That centre took in approximately 2,800 workers in 2016. Recently, in cooperation with international organizations, it has successfully implemented a trial project for the voluntary return of workers and their reintegration into their societies.

The Ministry of the Interior has been mindful of the anti-human trafficking strategy when developing regulations and approaches to combating crime in general and the crime of human trafficking in particular. Human trafficking is the third most

prevalent kind of illegal trafficking after drugs and weapons. It is a flagrant violation of basic human rights and freedoms and contrary to all accepted legal systems and religions. Human trafficking is not a crime that is confined to a particular State; it has today become a cross-border phenomenon, and part of "transnational crime".

It was therefore logical for the Ministry of the Interior to devote special attention to combating that crime by joining an Anti-Human Trafficking Department with the Protection of Public Morals Department of the Criminal Investigations Division. In fact, ministerial decision No. 5908 (2014) changed the name of the department to the Protection of Public Morals and Anti-Human Trafficking Department. It has been assigned numerous competences for combating and preventing that crime with a view to preserving human rights and dignity.

The functions of the Anti-Human Trafficking division include receiving complaints and looking into cases involving victims of suspected human trafficking. The Protection of Public Morals and Anti-Human Trafficking Department receives complaints of cases involving victims of suspected human trafficking. It verifies such cases, takes legal measures and refers them to the competent agencies. Victims are placed in a migrant workers shelter. The parties involved are numerous, and include the following: the Office of the Public Prosecutor, the International Organization for Migration, embassies, the migrant workers shelter, the Kuwaiti Association for Human Rights, the Department of Domestic Workers, police stations and civil society organizations in the Kuwait.

That department has set up a hotline and email for receiving complaints of human trafficking; it treats victims with complete confidentiality.

Among the key guidelines adhered to in human trafficking cases are the following:

- The law on human trafficking is consulted.
- The seriousness and accuracy of the report are verified.
- Indications that the victim was involved in human trafficking are verified.
- The victim is reassured and treated properly.
- The victim is given the feeling that they are the victim and not the criminal.
- The victim is kept in a place that preserves his dignity.
- The department responsible for combating human trafficking is contacted for consultation (the Protection of Public Morals and Anti-Human Trafficking Department).
- The questions prepared for human trafficking cases are used.
- A report is submitted to the Protection of Public Morals and Anti-Human Trafficking Department for appropriate action.

Procedures to be followed for human trafficking victims include the following:

1. Victims are interviewed and made aware of their rights.

2. The relevant focal points at the Ministry of the Interior are notified (the Protection of Public Morals and Anti-Human Trafficking Department).

3. The victim is referred to a shelter or health care unit (the migrant workers shelter).

4. Coordination takes place with the Office of the Public Prosecutor on issuing decisions to protect victims.

5. Both immediate and long-term services are provided, including reintegration or voluntary return.

Among the most notable successes of the Protection of Public Morals and Anti-Human Trafficking Department are the following:

- It pursued five cases of human trafficking of various kinds, which included trafficking in children, sexual exploitation and forced labour. There were 12 accused of various nationalities, one of whom was sentenced to 15 years in prison.
- Through cooperation between the International Organization for Migration and the migrant workers shelter, some 24 victims were voluntarily returned to their countries for reintegration into their communities, after it was determined that the women involved had been victims of trafficking in their countries.

The Protection of Public Morals and Anti-Human Trafficking Department conducts the following activities:

- The Protection of Public Morals Department tries to gather information from its confidential sources, or follows up information about potential victims of human trafficking and takes legal steps in that connection.
- The Ministry of Interior tried to step up its efforts in cooperation with various other ministries and government and non-governmental bodies. Kuwait has moved up to the Tier 2 Watch List in the Human Trafficking Report of the United States Department of State, after nine years of being classified in Tier 3.
- The Protection of Public Morals and Anti-Human Trafficking Department has held a number of training sessions for anti-human trafficking personnel. The sessions are designed to raise awareness of Law No. 91 (2013) on combating human trafficking and the smuggling of migrants, and of signs that people have been victims of human trafficking. That department also takes part in human trafficking awareness campaigns in cooperation with the International Organization for Migration under the aegis of the Ministry of the Interior.
- Bilingual Arabic and English fliers have been printed and distributed with a view to raising awareness of the rights of workers in both the private and domestic sectors, and to make citizens and residents aware of the law on combating human trafficking.

Paragraph 10: Participation in political and public life

The medium-term development plan (2015/2016-2019/ 2020) adopted by Law No. 11 (2015) aims to increase the participation of women in political and public life with the following objectives and policies:

Goals and policies for women's welfare and empowerment in the 2015/2016-2019/2020 development plan

(a) Care for and develop the capacities of Kuwaiti women:

1. Review and update of all legislation relation to Kuwaiti women's issues to help remove all forms of discrimination against women, without conflicting with the principles of the Islamic sharia;

2. Promote social, economic and professional capacity-building programmes for women, ensure family and psychological stability by implementing training programmes to enhance women's competence and

foster their participation in public life, provide services for working women and encourage and support small-scale enterprises run by women;

3. Create an institutional mechanism to protect women from all forms of community and domestic violence by creating, in collaboration with relevant governmental agencies, a national centre to combat domestic violence that will protect and support women.

(b) Foster the societal empowerment of Kuwaiti women:

Empower Kuwaiti women and widen the scope of their participation in society by enhancing their role in economic, social and political decision-making positions.

Statistics showing leadership positions held by Kuwaiti women in Kuwait, 2015-2016

Position	*2015*	*2016*
Minister	1	2
Deputy minister	3	3
Assistant deputy minister	35	37
Deputy director of an agency or institution	4	4
Assistant secretary-general	5	7
Ambassador	3	2
Member of the Legal Advice and Legislation Centre	43	43
Prosecutor	22	–
Total	**116**	**98**

Kuwaiti Government media support and promote women's rights in all areas, including participation in the political process and public affairs. That has encouraged more women to take active part in political and public affairs.

There has been an overall evolution and progress of Kuwaiti society as a whole in various areas, creating a climate of democracy, freedom, tolerance and fairness. In that environment, the role of Kuwaiti women in political and public life has increased. That progress is a direct result of the freedom of opinion and expression enjoyed by Kuwaiti society.

Kuwaiti Government media, represented by the Ministry of Information, have supported women's causes and highlighted the importance of women knowing their legal rights. The Ministry has done so by organizing, participating in and attending programmes, meetings and seminars that raise the awareness of women and give them an opportunity in turn to raise awareness of women's political and civil rights. That encourages them to vote in elections and take active part in political and public life.

Government media also play a role in trying to do away with stereotypes of women, as a prerequisite for political empowerment. They do so by shining a spotlight on women who occupy political and leadership positions in Government, private and popular institutions, as honourable role models for women. Television and radio offer consciousness-raising messages on women's political and civil rights. That encourages them to vote in elections and take active part in political and public life. The media's efforts take the form of various programmes, as follows:

The media play an awareness-raising role by presenting programmes that stress that women have the capacity to take on responsibility and make decisions. That helps to build women's self-confidence and makes men more receptive to women's participation in political and public life and in Kuwaiti society.

The media broadcast programmes drawing attention to the importance of empowering women to take part in political, social and cultural activities, and granting women a large measure of social, political and economic power. Women's empowerment is linked to the concept of authority, with a view to instilling values and behaviours that promote and actualize the role of women in society based on the principle of equality of right, duties and freedoms regardless of gender.

An effective image of women and the need for their participation in building society is conveyed. Democratic behaviours and concepts are promoted and linked to political and social advancement. The spirit of equality of roles and cooperation between men and women is emphasized.

Most cultural, social and religious programmes contain awareness-raising messages that contribute to women's awareness and education, combat all forms of discrimination and violence against women and promote the work of women's rights civil society organizations.

Most political, cultural and social programmes on television and radio address women's empowerment issues and raise awareness of women's political and civil rights with a view to encouraging them to vote in elections and take active part in political and public life. They also cover all relevant women's activities and initiatives. Examples include the following:

Television programmes:

- *Her and Her Sisters* — A daily programme prepared and presented by a group of women;
- *Men and Women of Kuwait* — A weekly programme prepared and presented by a women;
- *Midmorning Tea* — A daily programme by women for women;
- *Women and Parliament*;
- *The Constitution*;
- *Parliamentary Roundup*;

Radio programmes:

- *Good Morning!* — Live coverage of woman-related activities in the studio or on location;
- *Greetings!* — Live coverage of woman-related activities in the studio or on location;
- *Noontime Break* — Live coverage of woman-related activities in the studio or on location;
- *Good Evening!* — Live coverage of woman-related activities in the studio or on location;
- *Radio Tour* — Live coverage of woman-related activities in the studio or on location;
- *In This Land* — Live coverage of woman-related activities in the studio or on location;

- *Midmornings* — Live coverage of woman-related activities in the studio or on location;
- *Eve's World* — Live coverage of woman-related activities;

Recorded programmes that include segments about women in every episode:

- *Women and Children* — Documentary programme covering woman-related activities;
- *Things Were Different for Those Who Went Before* — Documentary programme covering woman-related activities;
- *My Kingdom* — Documentary programme covering woman-related activities;
- *Information Panorama* — Documentary programme covering women's activities;
- *Two Magazine* — Documentary programme covering women's activities.

Paragraph 11: Nationality

With regard to amending the Kuwait Nationality Law to ensure equality between men and women, it is globally recognized that nationality is a legal relationship between the individual and the State. Thus, it clearly falls within the category of matters affecting the sovereignty of the State and its absolute authority to determine who should hold its nationality, or impose on its nationals whatever conditions it deems appropriate. In fact, nationality affects a country's demographic structure and its political and economic life. This principle was reaffirmed in the advisory opinion issued in 1923 by the Permanent Court of International Justice, which confirmed that every State retained the right to freely promulgate its own nationality laws. The principle was also upheld by the Hague Conference of 1930, which adopted the Convention on Certain Questions Relating to the Conflict of Nationality Laws according to which, when a State promulgates legislation regulating its nationality and specifying the conditions and procedures for the attestation or acquisition thereof, its sovereignty is not diminished since such legislation is issued by the State itself and must be respected and implemented by all the bodies concerned.

On examination of the Kuwait Nationality Act promulgated by Amiri Decree No. 15 (1959), it becomes clear that most of the provisions of the Act guarantee gender equality.

As regards the granting of Kuwaiti nationality to the children of a Kuwaiti woman married to a non-Kuwaiti man, article 3 of Law No. 15 (1959) on nationality provides that Kuwaiti women have the right to pass their nationality on to their children in accordance with the conditions set forth in that article. The numbers of children of Kuwaiti women who were naturalized in the period 2003-2016 are as follows:

- 368 children in 2003
- 916 children in 2004
- 409 children in 2012
- 50 children in 2013
- 3 children in 2015
- 181 children in 2016.

With regard to the number of women and girls who were illegal residents and obtained nationality over the last five years, 769 daughters of Kuwaiti women and 5,332 wives of Kuwaiti men fall under that category. The following statistics show the numbers of illegal residents naturalized in the period 2011-2016:

Details	*Figures*
Number of women granted Kuwaiti nationality on account of their husbands (wives of Kuwaiti men)	5 332
Number of women granted Kuwaiti nationality on account of their mothers (children of Kuwaiti women)	769

Paragraph 12: Education

Equality in education and training is clearly guaranteed. There are no restrictions on women's education, and they face no discrimination as compared with men. That situation is consistent with the principle of democracy in education. Women's enrolment rates in public and higher education exceed those of men, at 52 per cent and 66 per cent respectively. International statistics show that Kuwait is very advanced as compared with the global average.

The 2014 report of Kuwait on the millennium development goals, which was drafted by the Supreme Council for Planning and Development, states that the promotion of gender equality has reduced the gender gap in public and higher education, which now compares favourably with global levels. The 2014 report of the Central Statistics Bureau points to a clear improvement in gender equality indicators, which have contributed to the definitive elimination of gender discrimination among fellow citizens.

The ratio of women per 100 men has also seen a notable increase, from 98 in 1991 to 112 in 2012. In the period 2015-2016, the ratio was as follows:

I. Public education

	Kindergarten	*Primary*	*Intermediate*	*Secondary*
Female teachers (%)	100	93	57	56
Female pupils	51	52	52	55

II. Private education

	Kindergarten	*Primary*	*Intermediate*	*Secondary*
Female teachers (%)	99	78	53	44
Male pupils	47	44	42	43

III. Religious education

	Intermediate	*Secondary*	*Study abroad*
Female teachers (%)	25	35	–
Female pupils (%)	41	42	25

IV. Private education

	Al-Raja'	*Al-Nur*	*Al-Amal and Al-Amal Rehabilitation*	*Al-Tarbiyah al-Fikriyah*	*Al-Tarbiyah al-Fikriyah Rehabilitation*	*Educational workshops*	*Al-Wafa'*	*Al-Suluk al-Tawhidi*	*Al-Ata' Kindergarten*
Female teachers (%)	74	77	66	64	44	61	74	–	100
Female pupils (%)	37	44	45	31	42	–	57	–	36

Paragraph 13: Employment

Kuwaiti women have gained numerous rights and privileges. The Kuwaiti Government has made it a priority to grant the utmost importance to women's rights, resulting in a number of achievements.

Women have been admitted to the judiciary, the diplomatic service and the Army, a step that has made a significant contribution to guaranteeing women's rights in various domains.

In accordance with the nature of women, numerous laws distinguish women from men in a manner that amounts to positive discrimination. The Civil Sector Labour Act is a case in point. Women are have all of the rights that have been established for men, except that they have been granted reduced working hours and birth and maternity leave, are not employed in hazardous professions and — for their own protection — may not be employed late at night.

Women have been granted the same right to housing care as men. In addition, they are entitled to housing care even if they are unmarried, in accordance with terms and conditions set out in the law.

Women have also been granted privileges under other laws, such as the Rights of the Child Act. Pregnant female employees are granted no less than two hours' reduction in working hours from the sixth month, and may not be employed for additional hours up until the birth. The reduction is compulsory for employers and does not affect the employee's salary, her employment status or the full enjoyment of her rights.

The Public Assistance Act grants unemployed women monthly assistance in the amount of $2,000 when they reach the age of 55. In its development plan (2015/2016-2019/2020) sets out goals involving the empowerment of women and development of their capacities by reviewing legislation on women and fostering their empowerment in society, and by establishing a joint committee including representatives of civil society to survey existing legislation and make recommendations to advance the situation of women and ensure that they take part in decision making and assume leadership positions.

Article 23 of Kuwaiti Law No. 6 (2010) on labour empowers the Public Workforce Authority to define what constitutes work that is hazardous, arduous or detrimental to health. Decision No. 839 (2015) of the Authority limits such types of work to industries that can cause women to develop serious work-related diseases.

With regard to women's work at night, the aforementioned decision allows women to work at night until midnight in some cases when the nature of the work so requires. At the same time, it allows women to work at night in numerous professions that are listed in the decision. In defining such activities, Law No. 6 (2010) seeks to protect women and strike a balance between their professional and family roles.

The Kuwaiti Labour Act and the administrative decisions adopted for its implementation by the Workforce Authority seek to refrain from placing any restrictions that could introduce a difference in the treatment of men and women with regard to training or employment. The provisions of the Act are aimed at all workers. For instance, article 26 states that women deserve a salary commensurate to that of men for the same work. There is no distinction between the genders with regard to employment in general or the granting of benefits to small and medium enterprises in particular. (Statistics on women in the labour force by academic qualification, field of economic activity and civil status are enclosed).

The Kuwaiti Penal Code grants women general protection from sexual harassment. It provides for all forms of protection from honour crimes against women, irrespective of where the violation occurred, and including the workplace. The following table shows the activity rate of Kuwaiti women in the labour market for the period 2014-2016:

	2014	*2015*	*2016*
Number of female employees (citizens)	187 462	190 207	197 557
Total workforce (citizens)	338 297	344 622	354 806
Percentage	55.4	55.2	55.7

The following table shows the development in the most important economic empowerment indicators regarding the promotion of Kuwaiti women's activity rate in decision-making roles for the period 2014-2016:

	2014	*2015*	*2016*
Proportion of Kuwaiti women in Government posts (%)	55.9	56.2	56.9
Proportion of Kuwaiti women in private-sector posts (%)	53.7	51.3	50.8

Paragraph 14: Health

The Kuwaiti Government addresses cases of rape and incest through a technical committee including clinical specialists in gynaecological disorders, obstetrics and mental health, in addition to other relevant experts. Such cases are addressed in complete confidence. The committee takes clinical decisions in the interests of and in consultation with the patient. Such decisions may include abortion, all forms of which — whether medical or surgical — are provided by hospitals. The patient receives all forms of medical, psychological and social care after the abortion.

With regard to the requirement of the male guardian's consent to urgent and non-urgent medical treatment of a woman, the fundamental requirement is that the patient herself should sign the surgical procedure form. The agreement of a first-degree relative is needed only in specific cases, when the patient is under anaesthetic during surgery or has lost consciousness, or in emergency situations when it is difficult for the patient to make a lucid decision.

Paragraph 15

The Ministry of Health has submitted to the Council of Ministers a draft law on mental and psychological health. The draft law has now been put before the National Assembly for adoption. It includes a mechanism to regulate the sectioning and treatment of patients with mental and psychological disorders at mental health hospitals.

Paragraph 16: Women migrant and domestic workers

Kuwait was one of the first countries to show an interest in domestic workers and provide them with legal protection, care and support. It has established a specialized department, the Department of Domestic Workers, to care for domestic workers from the moment when they arrive in Kuwait and are hired by an employer until they leave Kuwait and return to their own country. Kuwait has issued numerous laws and ministerial decisions regulating domestic labour law. Most recently, Law No. 68 (2015) on domestic labour has provided legal protection for domestic workers safeguards their rights and improves their conditions by setting forth conditions that guarantee their access to justice, health care and social protection.

Law No. 68 (2015) concerning domestic workers, its implementing regulation and ministerial decision No. 2302 (2016) concerning guidelines and procedures for implementing that Law, are consistent with international standards and the provisions set forth in Convention No. 189 of the International Labour Organization concerning decent work. The Law provides as follows:

1. Children shall not be employed. Domestic workers brought into the country shall be no younger than 21 and no older than 60. Articles 21 to 29 of the Law state that violations of this provision shall be punished with prison sentences.

2. Articles 19, 20 and 27 of the Law, along with its implementing regulation, provide full guarantees regarding the wages of domestic workers.

3. Article 12 of the Law prohibits employers from confiscating a domestic worker's passport.

4. Article 18 of the Law obligates employers to draw up, and comply with, a written contract in Arabic and English.

5. Article 10 of the Law prohibits employers from physically or psychologically assaulting domestic workers and from giving them hazardous tasks.

Paragraph 17

By virtue of Law No. 69 (2015), a closed joint-stock company for the recruitment and employment of domestic workers was established on 15 June 2015. The company will import domestic workers in accordance with the laws regulating domestic labour. It will provide all forms of home and family care, so long as such are not inconsistent with relevant laws and circulars. It will also provide for domestic workers to be trained in specialized at specialist centres so that they learn about the culture, traditions and customs of Kuwaiti society and families. It will take the necessary measures to ensure that domestic workers are safe and free from disease when they enter the country, and use modern programmes and systems to safeguard the data of domestic workers who are brought into the country with the company's knowledge.

It should be noted that the Ministry of the Interior has only a consultative role within the company. A company board of directors will be established independently.

A memorandum has been prepared regarding domestic workers' ability to change their residence without the employer's consent. The memorandum defines the circumstances in which the change must take place directly, without the employer's agreement. The topic has been referred to the Legal Advice and

Legislation Centre, which has endorsed the contents of the memorandum and submitted it to the Council of Ministers.

The Kuwaiti Government is engaged in relentless efforts to find alternatives to the kafala system, in cooperation with international and regional organizations. In recent years, a number of reforms and amendments to the system have been introduced. The powers granted to employers have been circumscribed by means of regulations governing salary remittance conditions and the adoption of laws and decisions guaranteeing the rights of employees, for example:

- Article 6 of Law No. 6 (2010) on bank transfers of wages;
- Ministerial decision No. 842 (2015) concerning the transfer of an employee without the employer's consent;
- Ministerial decision No. 185 (2010) determining a minimum wage.

Article 3 of Law No. 109 (2013) concerning the establishment of the Public Workforce Authority, which stipulates as follows: "The Authority shall have exclusive authority to recruit migrant workers in the private and petroleum sectors on the basis of a request from the employer providing details of the workers to be recruited. The Ministry shall promulgate decisions setting out the prescribed measures, documents and fees." The Law thus enhances the Authority's power to organize labour recruitment and to arrange for the transfer of workers from one employer to another when it deems such action to be legally appropriate. The Authority has been fulfilling that function in practice to a considerable degree. It has taken a number of measures, namely:

1. It has established an Individual Disputes Commission, which has approved the transfer of numerous migrant labourers. The Commission examines only special cases that require additional facilitation. It seeks to achieve greater flexibility in the transfer of labourers to a different job, without prejudice to the other transfer mechanisms.

2. A new section has been established within the Authority with responsibility for planning and fostering professional skills. It supervises the implementation of plans and policies regulating the labour market and the application of professional standards and categories.

3. An automatic link has been established with the labourers' countries of origin. The Authority is currently working to implement the automatic link project with the labour ministries of a set of countries of origin. The aim is to introduce greater regulation to the process of importing labourers and to limit the role of employers. That role will be limited to identifying the type of labour needed and the required skill level. The competent authorities in both countries will have the power to exercise effective supervision of every stage of the process.

Paragraph 18: Civil society organizations and women human rights defenders

With a view to upholding a community partnership with civil society organizations, the Government has made numerous efforts to partner with those organizations and help them to achieve their aims. Those efforts include the following:

1. The *Waraqati* project, which is being implemented by the Women's Cultural Association in cooperation with the United Nations Development Programme Kuwait and the Secretariat of the Supreme Council for Planning and Development. Kuwait has thus become the first country in the Gulf and the seventh in the Arab World to implement the project, which seeks to

promote women's rights and legal empowerment by using information technology and raising awareness of the rights set forth in the Constitution and legislation of Kuwait in accordance with the country's international obligations.

2. A national forum on implementing Goal 5 of the sustainable Development Goals, "Achieve gender equality and empower all women and girls", has been organized in cooperation with the United Nations Development Programme.

3. The Supreme Council for Family Affairs was established pursuant to Decree No. 38 (2016). In addition to Government representatives, the Council includes three members of civil society organizations. The Government is determined to deepen partnerships with civil society organizations. The strategic framework of the Council includes community partnerships in a number of areas, such as the following:

(a) Disseminate and deepen a culture of free labour in society, foster self-reliance, create job opportunities for members of the family, develop family members' skills by providing training for families in need and changing them from consumer families to effective and productive families;

(b) Professionalize implementing parties in the public sector, civil society organizations and youth groups; to maintain a managerial partnership within the public sector and between the public sector and non-profit organizations;

(c) Establish a Supreme Council of Civil Society Organizations and expand its development role, which is described on the website of the Supreme Council on Family Affairs; solicit suggestions in that regard;

(d) The functions of the Supreme Council for Family Affairs include cooperating with civil society institutions. A psychological and family counselling team has been established in order to work towards achieving institutional partnership in family, psychological and social counselling. The team's members represent segments of the Government and civil society

4. At the request of civil society institutions, the competent Kuwaiti Government authorities have visited the departments of juvenile welfare and day care. A visit to the women's prison has also taken place in coordination with the Ministry of the Interior.

5. The committee responsible for drafting and preparing Kuwait's reports to the relevant national human rights mechanisms has met with civil society institutions in order to discuss the various national reports, including the second report of Kuwait for the universal periodic review, the third report on combating torture, the first report on persons with disabilities and the fifth report on the elimination of all forms of discrimination against women, in addition to the findings of the second national report in the context of the universal periodic review submitted in January 2015 and the first report pursuant to the Arab Charter on Human Rights.

6. A voluntary working group on raising awareness of the Rights of the Child Act in cooperation with a number of relevant Government and civil society institutions.

Paragraph 19

Article 43 of the Kuwaiti Constitution guarantees the freedom to create associations and unions at the national level, using peaceful means and under the conditions set forth in law. No one shall be compelled to join an association or a union. A law regulating civil society institutions was adopted at an early stage, in 1962. The provisions of the Law do not distinguish between women's and other associations. The conditions of registration and specifications apply to everyone equally.

The Government has facilitated the procedure for registering associations of public benefit pursuant to Council of Ministers decision No. 186 (2004). The Ministry of Social Affairs is now responsible for registering civil society institutions. The restriction imposed by the Council of Ministers, under which new associations of public benefit could be registered only by a decision of the Council of Ministers, has now been lifted. The Ministry of Social Affairs is now responsible for registering civil society institutions. A committee has been established pursuant to Council of Ministers decision No. 186 (2006) in order to follow up the registration of associations of public benefit. To date, there are 117 such associations, which include groups for youth, women and persons with disabilities, and social and professional associations.

The Government of Kuwait has prepared a new draft law on associations of public benefit. The draft has been submitted to all civil society institutions for consultations.

Associations of women's journalists are guaranteed full freedom of expression. The Kuwaiti Journalists' Association includes all journalists, whether women or men. Members of the board of directors are elected by a direct democratic process. The board is responsible for issues involving media workers and the protection of their interests. The board includes two women. The Government supports the Association financially so that it can fulfil its functions within and beyond Kuwait. The Association has complete freedom to fulfil its mission of promoting journalistic work.

There are also many human rights organizations that disseminate a culture of human rights, raise awareness of international human rights instruments and defend all individuals whose human rights are being violated. Their members include several prominent women. Those organizations take part in international conferences, expenses for which are covered by the Government.

The competent Kuwaiti Government authorities support local conferences organized by civil society institutions.

The names of human rights associations include the following: the Kuwaiti Association for Human Rights, the Kuwaiti Association for the Basic Elements of Human Rights, the Kuwaiti Social Workers' Association, the Kuwaiti Graduates' Association, the National Family Security Association, the National Child Protection Association and the Social Work Association.

Those associations are helping to draft and disseminate a national vision of women's and children's rights as members of society. They carry out such activities as training sessions, workshops and seminars in which Kuwaiti women take part. They publish information, reports, data and publications concerning women's and children as members of society, with the participation of Kuwaiti women. They also take part in local and international conferences and speak on women's and children's issues. For that purpose, they take advantage of the Arab Women's Day festivities and the International Day of Women.

The activities of the Kuwaiti Association for Human Rights included a training session regarding Security Council resolution 1325 (2000) and the role of women in achieving peace. The session was organized in cooperation with the Gulf Foundation and the Bahrain Women's Association for Human Development from 13 to 15 October 2015, and a select group of women leaders in Kuwait took part.

We now turn to the question that was raised regarding steps taken to remove restrictions, amend laws and guarantee the rights of women journalists, women journalists, activists and human rights defenders.

The Constitution of Kuwait guarantees the freedom of to express one's opinion and the right of peaceful assembly in articles 36, 37, 44 and 45 regarding freedom of expression and academic research; freedom of the press, publication and dissemination; and the right of public assembly. Those rights are guaranteed to all people, including women who work as journalists, activists and human rights defenders.

National legislation and the provisions of the Kuwaiti judiciary provide that the exercise of those rights shall be free from any restrictions or obstacles that are not familiar from the conventions and treaties that have been ratified.

Accordingly, there are no judicial prosecutions of acts of illegal gathering or criminal defamation, except when the acts attributed to the defendant are criminalized under the Penal Code and supplementary legislation. Such situations require a report or complaint, which is then investigated subject to a set of guarantees. It should be noted that Kuwaiti law entitles the victim in cases of defamation to opt for either civil or criminal proceedings.

It is also worth noting that there have been numerous assemblies (which have been addressed in the media and covered on social media) for which the competent authorities drafted no report and the Office of the Public Prosecutor filed no charges. The reason is that those assemblies were spontaneous or momentary, and did not impede traffic or block public squares without legal justification. In other cases, the committees that organize the assemblies cooperate with law enforcement agencies to ensure that the peace is kept and that the rights of others, who are not active participants, are not harmed.

Paragraph 20: Marriage and family relations

It should be pointed out that the Personal Status Act in Kuwait does make mechanisms available to the wife that enable her to verify the man's suitability and appropriate marriage age. Under article 34 of the Act, the validity of a marriage is conditional on the man's compatibility with the woman at the time of conclusion of the marriage contract and the woman, or her guardian, has the right to apply for annulment of the marriage in the event of incompatibility. Under article 36 of the Act, age commensurability between the spouses is regarded as an exclusive right of the wife. In addition, Kuwaiti legislators have recently imposed a requirement for persons contemplating marriage to undergo a medical examination in order to ensure that both are free from physical or psychological impediments.

Under articles 28 and 29 of Law No. 61 (1969) on civil status, women must express their consent to a marriage contract. In the case of the marriage of a young woman, both the guardian and the woman involved must express their consent. If the party to the marriage is a widow or divorcee, or is over the age of 25, the decision is hers although she does not conclude the contract directly but through her guardian.

As an expression of legislators' concern that marriage contracts should not be stipulated by persons who have not reached the legal marriageable age, article 26 of

Law No. 61 (1969) states that no marriage contract may be stipulated or ratified unless the female party has reached the age of 15 and the male party the age of 17 at the time the contract is stipulated. In accordance with the Islamic sharia, that provision exists to equate marriageable age with the end of childhood.

It should be pointed out that, in 2015, there were no recorded cases of marriage in Kuwait of women under the age of 15. With regard to the prohibition on the marriage of Muslim women with non-Muslim men, article 18 of Law No. 61 (1969) on civil status provides that Muslim women shall not marry non-Muslim men. That provision is derived from the Islamic sharia. God Almighty has said, "Such women are not permitted to such men, and such men are not permitted to such women" (Qur'an 60:10). In accordance with article 2 of the Kuwaiti Constitution, the Personal Status Act is derived from the Islamic sharia. As regards the restrictions placed on women's right to divorce, woman has the right under the Islamic sharia to request divorce at her own insistence (*khula*) in the event of death or discord. That provision is set forth in article 111 of the Personal Status Code.

As regards measures taken to prevent early marriage, early marriage is when either one or both of the spouses has not reached the minimum age for marriage as per the customs of society. One of the steps taken to prevent early marriage is the requirement to undergo a premarital medical check in accordance with Law No. 31 (2008), which concerns medical tests for persons wishing to marry in Kuwait.

With regard to the elimination of the requirement of the consent of a wali (male guardian) for a Sunni woman to marry, under articles 28 and 29 of Law No. 61 (1969) on civil status, in the case of the marriage of a young woman, both the guardian and the woman involved must express their consent. If the party to the marriage is a widow or divorcee, or is over the age of 25, the decision is hers although she does not conclude the contract directly but through her guardian.

Commenting on article 2 of the Constitution, the explanatory memorandum to the Constitution points out that this article does not stop at the statement, "The religion of the State is Islam" but stipulates that the Islamic sharia — i.e. Islamic jurisprudence — shall be a main source of legislation. This formulation means that the legislators are guided by a fundamentally Islamic perspective without being prohibited from introducing provisions from other sources regarding matters whereon Islamic jurisprudence has not formulated a ruling or where it would be preferable to develop provisions designed to keep abreast of the exigencies of natural development over time. Indeed, the provision allows modern penal laws to be adopted alongside the punishments mandated by the Islamic sharia. This, however, would not hold up if the text said "the Islamic sharia shall be the main source of legislation". The import of the provision is that it is impermissible to adopt another source in respect of any matter on which the sharia has ruled. In fact, that would have caused considerable difficulties for legislators, if practical considerations had caused them to delay in complying with Islamic jurisprudence in certain matters, such as company law, insurance, banks, loans, borders and so on.

According to the Constitution, then, the provision that the Islamic sharia shall be a main source of legislation clearly and unequivocally places legislators under an obligation to adopt the provisions of the Islamic sharia to the extent that they are able to do so. It does not, however, prevent the adoption of legal principles in any matter at some point in the future, should the legislators so decide.

Kuwaiti legislators must, then, abide by the provisions of the sharia, although they can introduce legislation from other sources in matters that have not been codified by Islamic jurisprudence.

Paragraph 21: Optional Protocol to the Convention

There has been no progress towards accession to the Optional Protocol. There have, however, been alternative procedures at the national level: women are entitled to have recourse to the courts if they are discriminated against in any way. Judicial rulings have granted women the right to appear before the judiciary.